THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.17345 of 2007

Date:22.08.2007

Between:

P.Shankara Reddy

..... PETITIONER

AND

The State of A.P. and others.

.....

RESPONDENTS

ORDER:

The petitioner claims to be the owner of land in Sy.No.611/1 of Kallur, Kurnool Sub-Registry, Kurnool District. The land is said to have been purchased by his father through a sale deed, dated 15.06.1950. It is stated that the A.P. Wakf Board filed O.S.No.24 of 1969 in the Court of the Principal Subordinate Judge, Kurnool claiming the land and that the suit was dismissed on 16.03.1970. It is further stated that the Gram Panchayat accorded permission on 26.01.1972 for dividing the land into plots. W.P.No.3140 of 1996 was filed when the Wakf Board is said to have objected to the sale of the properties and that the writ petition was allowed on 15.12.2004.

The petitioner states that with a view to sell the balance of the plots, he approached the third respondent about the feasibility of registration of documents and it is alleged that the third respondent replied that he cannot receive the sale deeds, in view

of the instructions issued by the District Collector. This writ petition is filed with a prayer to declare the instructions said to have been issued by the District Collector to the third respondent as illegal, arbitrary and unconstitutional. A direction is sought to the respondents to receive the documents to be presented by the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

On the face of it, there is no cause of action to the petitioner as of now. It is not even stated that any sale deeds have been presented before the third respondent. The petitioner can be said to have any grievance, if only a document was presented and the third respondent refuses to receive the same. Writs cannot be issued in contemplation of the acts that emanate the petitioner from himself.

When the petitioner did not present any documents, the occasion for the third respondent to express his view does not exist. Further the Registration Act and the Rules made thereunder contain a detailed procedure to be followed, while processing the document as and when presented.

Therefore, the writ petition is dismissed as pre-mature, by leaving it open to the petitioner to present the documents and pursue his remedies in accordance with law. There shall be no order as to costs.

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23.08.2007

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